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**TELECOPIER COVER SHEET**

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From: Dee So for ADRIAN J. LEE  
Comments: Please see attached.  
Serial No. 09/557,196  
Docket No. 14531.27.2.2

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AUG 30 2006

Via Facsimile (571) 273-8300PATENT APPLICATION  
Docket: 14531.27.2.2IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND  
INTERFERENCES

In re application of		)
		)
	Stephen G. Perlman	)
		)
Serial No.:	09/557,196	)
		)Art Unit
		) 2176
Filed:	April 21, 2000	)
		)
Confirmation No.:	6989	)
		)
For:	SYSTEM AND METHOD FOR TUNING	)
	CHANNELS USING A CENTRAL	)
	POINT OF CONTROL	)
		)
Examiner:	Chau T. Nguyen	)
		)
Customer No.:	047973	)

CERTIFICATE OF FACSIMILE TRANSMISSION

*Via Facsimile (571) 273-8300*  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office at facsimile number (571) 273-8300 on the date shown below.

- Transmittal For Amended Description Of Claimed Subject Matter ( 2 Pages)
- Amended Description Of Claimed Subject Matter ( 10 pages)
- Facsimile Coversheet

Dated this 30<sup>th</sup> day of August, 2006.

Respectfully submitted,

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AJL:ds  
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AUG 30 2006

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Examiner:

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TRANSMITTAL FOR AMENDED DESCRIPTION OF  
CLAIMED SUBJECT MATTER

Via Facsimile (571) 273-8300

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Transmitted herewith for entry in the above-identified application:

☒ Amended Description Of Claimed Subject Matter.

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\* Admitted only in California  
§ Admitted only in Virginia

Serial No.: 09/557,196  
August 30, 2006  
Page 2

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Dated this 30<sup>th</sup> day of August, 2006.

Respectfully submitted,

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		)	Art Unit
		)	2176
Filed:	April 21, 2000	)	
Confirmation No.:	6989	)	
For:	SYSTEM AND METHOD FOR TUNING CHANNELS USING A CENTRAL POINT OF CONTROL	)	
Examiner:	Chau T. Nguyen	)	
Customer No.:	047973	)	

**AMENDED DESCRIPTION OF CLAIMED SUBJECT MATTER**

*Via Facsimile (571) 273-8300*  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Non-Compliant Appeal Brief of July 31, 2006, and pursuant to C.F.R. § 41.37(d) and MPEP § 1205.03, please amend the Brief for Appellants in the above-identified application by substituting the section titled "SUMMARY OF CLAIMED SUBJECT MATTER" with the following section, which begins on page 2:

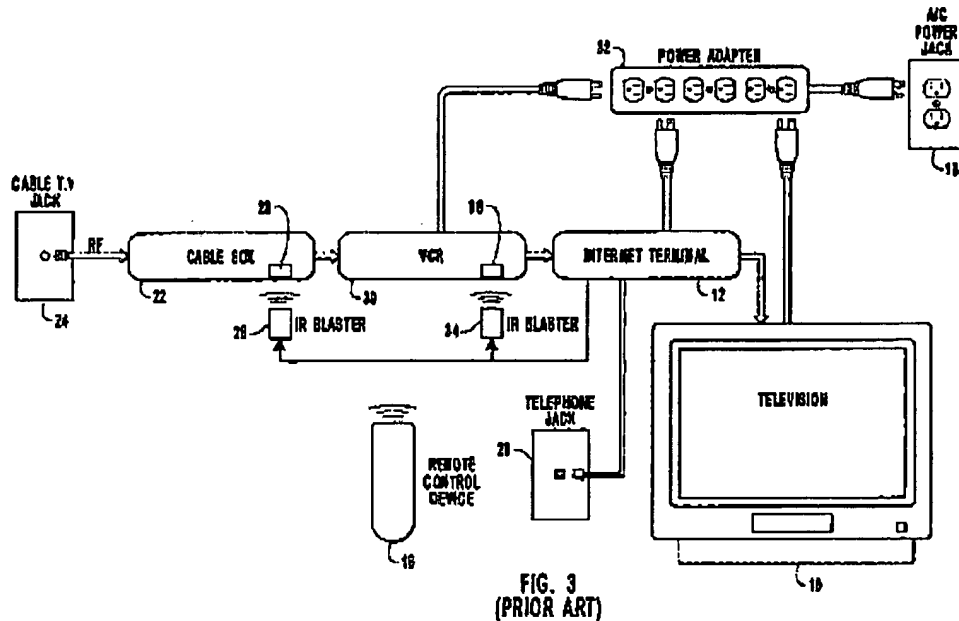
### SUMMARY OF CLAIMED SUBJECT MATTER

The appealed claims are directed to methods and devices for a central device that uses electronic programming guide data to determine whether the signal of a user-selected channel is carrying scrambled or non-scrambled programming. If the central device determines that the signal is carrying non-scrambled programming, then the central device tunes to the channel(s) carrying the non-scrambled programming for display on a display device. On the other hand, if the central device determines that the signal is carrying scrambled programming, then the central device routes the scrambled signal to a descrambler to be descrambled and tuned to the channel(s) carrying the scrambled programming for display on a display device.

There are three independent claims: claims 1, 5, and 8. Claim 1 is directed to a method performed by the central device. Claim 5 comprises a computer program product claim correspondingly similar to claim 1. Claim 8 is directed to a tuning system used to implement the method of claim 1. Thus, the invention claimed in independent claims 1, 5, and 8 will be summarized below.

The television has been a source of home entertainment since its inception. (*See* Specification, at 2:19-24). The television has been the basis for the evolution of home entertainment centers that offer increasingly versatile and complex functions with the invention of devices that connect to a television, such as VCRs, video disk players, video game consoles, Internet terminals, and cable and satellite receivers. (*See id.* at 3:1-10). A consequence of connecting multiple electronic consumer devices to a television, however, is the increasing difficulty of appropriately connecting and interconnecting multiple electronic consumer devices such that the performance of each device is maximized.

"The conventional method for connecting devices in a home entertainment system is the 'daisy chain' method." (*Id.* at 3:22-23). The daisy chain method of connecting electronic consumer devices connects the devices such that the devices form a chain extending from the programming signal input to the television, as illustrated in Figure 3 reproduced below.



In Figure 3, a cable T.V. jack 24 is connected to a cable box 22, which is connected to VCR 30, which is connected to Internet terminal 12, which is connected to Television 10, thereby creating a "chain" of consumer electronic devices. One problem presented by the daisy chain method of interconnecting consumer electronic devices regards tuning signals carrying television programming. For example, in the entertainment system depicted in Figure 3, the Television 30, Internet terminal 12, VCR 30 and cable box 22 must each be tuned to a specific, and potentially different, channel to view a desired program. (*Id.* at 14-20). This problem is exacerbated by the fact that the necessary channel required by each device may change depending on which devices in the daisy chain are turned "on" and are being used, and which devices are turned "off" and are just "passing through" the signal. (*Id.* at 6:15-16).



These tuning problems created by interconnecting the consumer electronic devices in a home entertainment center using the daisy chain method may be overcome with the invention of the present application. One embodiment of the present invention, depicted in Figure 6 reproduced below, utilizes a central electronics device 40 to interconnect the consumer electronic devices of home entertainment system in a "hub and spoke" configuration, as opposed to the conventional daisy chain method.

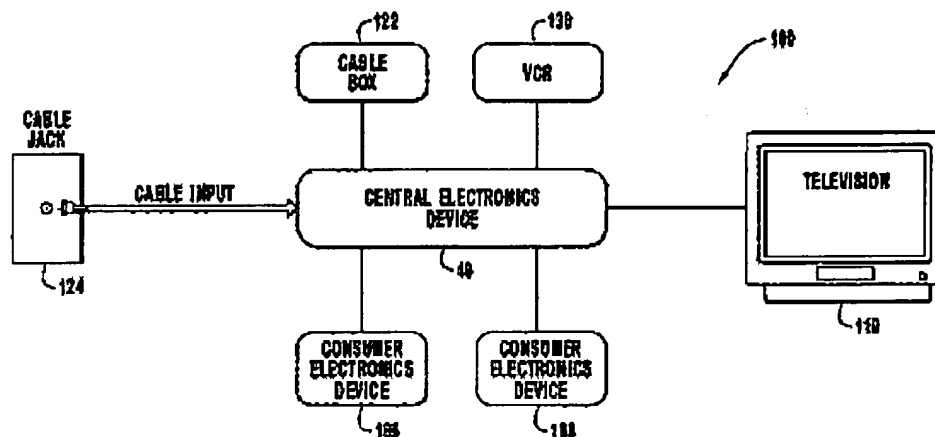


FIG. 6

As seen in Figure 6, the central electronics device 40 acts as a "hub," to which each consumer electronic device is attached as a "spoke" to that hub. (*Id.* at 18:13-19). The central electronics device "is capable of interconnecting the consumer electronics devices in the hub and spoke configuration, of routing signals and of tuning channels."

#### A. Claim 1

Claim 1 reads as follows:

1. In a home entertainment system including a central device coupled to a plurality of electronics devices, wherein the plurality of electronics devices includes a display device and a descrambler, and wherein the central device manages the operation of the plurality of

electronics devices, a method for tuning channels that are requested by a user for display on the display device, the method comprising the steps for:

- receiving user input at the central device, wherein the user input selects a channel that corresponds to a signal carrying programming, and wherein the signal is received by the entertainment system;

- using electronic programming guide data stored at the central device to determine whether the signal is scrambled or non-scrambled, wherein both the scrambled and the non-scrambled signals have to be tuned before being displayed;

- if the signal is determined from the electronic programming guide data to be scrambled, performing the steps for:

- routing the scrambled signal from the central device to the descrambler;

- and

- using the descrambler to descramble and tune to one or more channels of the scrambled signal for display on the display device; and

- if the signal is determined from the electronic programming guide to be non-scrambled, performing the step for:

- using an internal tuner that is located at the central device to tune to one or more channels of the non-scrambled signal for display on the display device, and such that the non-scrambled signal can be displayed.

As regards incoming television channels, the central electronics device performs at least three important functions: 1) receiving a user-selected channel that corresponds to signal carrying programming; 2) discerning whether the programming is scrambled or non-scrambled; and 3) if the programming is non-scrambled then tuning the signals carrying the non-scrambled programming, and if the programming is scrambled then routing the scrambled programming to a descrambler. (*Id.* at 21:11-22; claim 1).

First, the central electronics device receives input from user selecting a channel carrying programming. (See Specification at 17:4-10 (describing methods by which a user may input information to the central electronics device)). In order to determine whether the programming

of a selected channel is scrambled, the central electronics device utilizes electronic programming guide (EPG) data. (Specification, at 21:13-15). The central electronics device stores a copy of the EPG data. (*Id.*) The EPG data contains information that, among other things, indicates which channels contain scrambled programming and which channels contain non-scrambled programming at any given time. (*See id.* at 21:13-15, 24:16-23). Channels that the EPG data indicates are scrambled are routed to the cable box 122, and channels that the EPG data indicates are non-scrambled are tuned at the central device, as discussed in further detail below. (*Id.* at 21:13-18). Importantly, the central electronics device does not alter the EPG, but merely uses the EPG data as a source of information indicating which channels are scrambled and which channels are non-scrambled.

Channels that the EPG data indicates are non-scrambled are tuned by an internal tuner of the central electronics device and are not routed for tuning by another electronics device. (*Id.* at 21:16-18). "Tuning non-scrambled channels in central electronics device 40 takes advantage of the tuner in device 40 that may be significantly faster than the tuner in cable box 122." (*Id.* at 18-20).

#### **B. Claim 5**

Claim 5 reads as follows:

5. A computer program product for implementing in an entertainment system that includes a central device coupled to a plurality of electronics devices, wherein the central device manages the operation of the electronics devices, a computer program product for implementing a method for tuning signals carrying programming that correspond to channels selected by a user, the computer program product comprising:

a computer-readable medium carrying computer executable instructions for performing the method, wherein the method comprises steps for:

using electronic programming guide data stored at the central device to determine whether the signal is scrambled or non-scrambled, wherein both the

scrambled and the non-scrambled signals have to be tuned before being displayed;

if the signal is determined from the electronic programming guide data to be scrambled, performing the steps for:

routing the scrambled signal from the central device to the descrambler; and

using the descrambler to descramble and tune to one or more channels of the scrambled signal for display on the display device; and

if the signal is determined from the electronic programming guide to be non-scrambled, performing the step for:

using an internal tuner that is located at the central device to tune to one or more channels of the non-scrambled signal for display on the display device, and such that the non-scrambled signal can be displayed.

As explained above, this claim is computer product claim for implementing the method of claim 1. (See Specification, at 13:13-15, 24:4-21; claim 5). The computer program product of claim 5 performs at least two important functions: 1) discerning whether the programming of an incoming signal is scrambled or non-scrambled; and 2) if the programming is non-scrambled then tuning the signals carrying the non-scrambled programming, and if the programming is scrambled then routing the scrambled programming to a descrambler. (*Id.* at 21:11-22; claim 5).

In order to determine whether the programming of a selected channel is scrambled, the central electronics device utilizes electronic programming guide (EPG) data. (Specification, at 21:13-15). The central electronics device stores a copy of the EPG data. (*Id.*) The EPG data contains information that, among other things, indicates which channels contain scrambled programming and which channels contain non-scrambled programming at any given time. (See *id.* at 21:13-15, 24:16-23). Channels that the EPG data indicates are scrambled are routed to the cable box 122, and channels that the EPG data indicates are non-scrambled are tuned at the

central device, as discussed in further detail below. (*Id.* at 21:13-18). Importantly, the central electronics device does not alter the EPG, but merely uses the EPG data as a source of information indicating which channels are scrambled and which channels are non-scrambled.

Channels that the EPG data indicates are non-scrambled are tuned by an internal tuner of the central electronics device and are not routed for tuning by another electronics device. (*Id.* at 21:16-18). "Tuning non-scrambled channels in central electronics device 40 takes advantage of the tuner in device 40 that may be significantly faster than the tuner in cable box 122." (*Id.* at 18-20).

### C. Claim 8

Claim 5 reads as follows:

8. A tuning system for use in an entertainment system that includes a plurality of consumer electronics devices coupled to a central device, wherein the central device manages the operation of the consumer electronics devices, and wherein all signals received by the entertainment system pass through the central device, the tuning system comprising:

a first tuner that is located at the central device, wherein the first tuner tunes signals to one or more channels carrying programming that is non-scrambled, wherein the non-scrambled signal must be tuned prior to being displayed;

a second tuner at a descrambling device, wherein the descrambling device is one of the plurality of consumer electronics devices coupled to the central device, wherein the central device routes the scrambled signal to the descrambling device, and wherein the second tuner tunes signals to one or more channels carrying programming that is scrambled; and

an electronic programming guide stored at the central device, wherein the electronic programming guide includes data specifying whether a signal carrying programming is scrambled or non-scrambled and wherein the tuning system uses the electronic programming guide to determine whether the signal carrying programming is scrambled or non-scrambled.

As explained above, this claim is system claim for implementing the method of claim 1. The system of claim 8 performs at least three important functions: 1) receiving a user-selected channel that corresponds to signal carrying programming; 2) discerning whether the programming is scrambled or non-scrambled; and 3) if the programming is non-scrambled then tuning the signals carrying the non-scrambled programming, and if the programming is scrambled then routing the scrambled programming to a descrambler. (*Id.* at 21:11-22; claim 8). An example of the system of claim 8 is depicted in Figure 6 reproduced above.

In order to determine whether the programming of a selected channel is scrambled, the central electronics device utilizes electronic programming guide (EPG) data. (Specification, at 21:13-15). The central electronics device stores a copy of the EPG data. (*Id.*) The EPG data contains information that, among other things, indicates which channels contain scrambled programming and which channels contain non-scrambled programming at any given time. (*See id.* at 21:13-15, 24:16-23). Channels that the EPG data indicates are scrambled are routed to the cable box 122, and channels that the EPG data indicates are non-scrambled are tuned at the central device, as discussed in further detail below. (*Id.* at 21:13-18). Importantly, the central electronics device does not alter the EPG, but merely uses the EPG data as a source of information indicating which channels are scrambled and which channels are non-scrambled.

Channels that the EPG data indicates are non-scrambled are tuned by an internal tuner of the central electronics device and are not routed for tuning by another electronics device. (*Id.* at 21:16-18). "Tuning non-scrambled channels in central electronics device 40 takes advantage of the tuner in device 40 that may be significantly faster than the tuner in cable box 122." (*Id.* at 18-20).

Dated this 30<sup>th</sup> day of August, 2006.

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